



**NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SEMI-ANNUAL
AND
ANNUAL COMPLIANCE CERTIFICATION**

January 2003

INSTRUCTIONS

The Nevada Division of Environmental Protection/Bureau of Air Pollution Control (NDEP/BAPC) is providing the following compliance certification forms that are required to certify compliance of the facility with the Class I permit terms and conditions on an annual, or more frequent basis, as stipulated in Nevada Administrative Code (NAC) 445B.295. The forms are:

- (1) Compliance Certification Form (NDEP/BAPC Form CC - 1);
- (2) Deviations/Excess Emissions Reporting Form (NDEP/BAPC Form CC - 2); and,
- (3) Initial Compliance Plan and Compliance Certification (NDEP/BAPC Form CC - 3).

Electronic copies of these three forms are available on the NDEP/BAPC Website at "<http://ndep.nv.gov/bapc/permitd.html>." Be sure to include any separate monitoring reports required by the facility's permit and report all deviations of the permit terms and conditions for the specified period of the certification. The Semi-Annual and Annual Compliance Certifications must be submitted by the date specified in your facility's Class I Air Quality Operating Permit. The facility's responsible official must certify to the truth, accuracy and completeness of all information submitted in the form (and attachments).

Record Retention

The facility must retain all records, documents, materials, and any other support materials used in the preparation of this compliance certification for a minimum period of 5 years from the date this form is submitted to the NDEP/BAPC in accordance with NAC 445B.315.

Availability of Information to the Public and Confidential Treatment of Information.

Information submitted in these forms will, upon request, be made available to the public for inspection and copying. If your company requests confidential treatment for specific business information, that information must be submitted separately to the NDEP/BAPC along with a claim of confidentiality. Nevada Revised Statute (NRS) 445B.570 does not allow emissions information or information used for compliance purposes to be granted confidential treatment. Your company must also submit a copy of the facility's completed Semi-Annual or Annual Compliance Certification forms directly to the USEPA.

DETAILED INSTRUCTIONS

Compliance Certification Form - NDEP/BAPC Form CC-1

Complete Sections A (General Information) and B (Certification of Truth, Accuracy and Completeness) of NDEP/BAPC Form CC - 1 once for each report to identify the permitted stationary source, the reporting period covered by the report, and for the responsible official to certify that the information submitted on the form (and attachments) is true, accurate, and complete. On the Deviations/Excess Emissions Reporting Form (NDEP/BAPC Form CC -2) identify the compliance status and the monitoring methods (or other means) used to determine compliance with each permit term and condition, and report all deviations from the permit conditions that occurred during the reporting period. Copy the Deviations/Excess Emissions Reporting Form as many times as necessary to cover all permit terms and conditions.

Section A - General Information

Complete Subsections *A.1.* and *A.2.* once for each compliance certification.

Subsection A. 1. - Identifying Information

Enter the facility's name and permit number as identified on the Class I operating permit. Enter the complete mailing address for the facility and the name, telephone number, and facsimile number for the contact person. The facility's contact person should be a person familiar with the day-to-day operation of the facility, such as a plant site manager or other individual, who should be available to be contacted by the NDEP/BAPC. If there is more than one facility contact person, please list the others on a separate attachment.

Subsection A. 2. - Reporting Period

Enter the beginning and ending dates for the reporting period covered by this form. The beginning date shall be assumed to begin at midnight local time and the ending date to end at midnight local time. The regulations require this reporting period to be at least every 12 months, but in some cases the facility's permit may require certifications more frequently. Check the appropriate box located at the top of the form to identify the reporting period as either Semi-Annual or Annual.

Section B - Certification of Truth, Accuracy and Completeness or CAC

This section should be completed once and submitted with each set of documents (forms and attachments) that make up the annual compliance certification sent to NDEP/BAPC and USEPA.

Subsection B.1. -Responsible Official's Information

State and Federal law requires that a responsible official must sign the Annual or Semi-annual Compliance Certification Form. The definition of responsible official can be found in NAC 445B.156. Enter the name, title, address, telephone number, and the facsimile machine number for the facility's responsible official.

Subsection B.2. - Responsible Official's Certification of Truth, Accuracy and Completeness

The facility's responsible official must sign and date the certification of truth, accuracy and completeness. This should be done after all the Annual or Semi-annual Compliance Certification Forms are completed and the responsible official has thoroughly reviewed the information. Normally, this would be the last form completed before the packages of forms are mailed to the NDEP/BAPC.

Deviations/Excess Emissions Reporting Form - NDEP/BAPC Form CC - 2

Section I - Emission Unit/Permit Condition Information Section

In the Emission Unit/Permit Condition Information Section, specify which emissions unit(s) is (are) subject to the permit term and condition. Because the facility's permit terms and conditions may apply to all or only certain specific emission units at a source, similar equipment at a source may be subject to vastly different permit terms and conditions.

The term "individual permit term and condition" used here refers to each unique permit requirement. Permit requirements include emissions limitations, control equipment requirements, work practice standards, monitoring, record keeping, and reporting, and any other obligation of the source contained in the permit. It is not necessary to list a permit term and condition multiple times solely because it applies to multiple emission units, provided that: (1) the permit term and condition applies the same way at all units, (2) it uses the same methods for determining compliance at the units, (3) all units have the same compliance status, and (4) the cross reference to the permit covers those terms and units appropriately. For example, if a permit term and condition applies the same way and the same compliance methods are used to determine compliance, but one unit was in intermittent compliance and the other in continuous compliance, the permit term and condition for each unit needs to be listed separately to accurately identify the compliance status for each of the units.

Identify each individual permit term and condition. Include a brief description and a cross-reference or citation to each individual permit term and condition, using the System and emission unit numbering system established in the permit.

Subsection I.A - Emission Unit Number

In this column, provide the emissions unit numbers as listed in the permit (e.g., "PF1.203") to identify the unit(s) to which the permit term and conditions applies. As provided above, multiple emissions units for a permit term and condition may be listed.

Subsection I.B - Emission Unit Description

In this column, provide the emission unit description as described in the permit (e.g., "Ore/lime mill feed").

Subsection I.C - Permit Condition Number

In this column, provide the permit term and condition number as (e.g., "IV.4.c.iv.").

Subsection I.D- Permit Condition Requirement

In this column, provide the permit term and condition requirement (e.g., "Conduct and record reading of the baghouse pressure drop"). If the permit term and condition is expressed as a numerical limitation or range of values, the description should identify the specific numerical limit or range.

The cross-reference or citation should usually be detailed enough to unambiguously and clearly identify the specific permit term and condition (e.g., "section IV.H. (a)(4) of the permit").

Section II - Monitoring Method Section

A certification for permit terms and condition that were not effective or did not otherwise apply during the reporting period of the compliance certification (e.g., those with future-effective compliance dates, alternative methods of compliance, and alternative operating scenarios or terms of a Compliance Order) must be included. Generally, it is permissible to certify continuous compliance for such terms, if there is no evidence showing noncompliance, the permit did not require them to be used, and you did not use them for any period of time covered by the reporting period for the compliance certification.

Subsection II.A - Methods Used to Determine Compliance

In this column, describe the monitoring methods used to determine compliance indicate the type of monitoring device, the parameter or air pollutant being monitored, the averaging time, the monitoring frequency or the period over which the monitoring occurred, and include cross-reference or citation to the permit terms that require the monitoring (using the number system established in the permit). The cross-reference or citation to the facility's permit terms and conditions must be detailed enough to unambiguously and clearly identify the specific monitoring method. Compliance methods may include monitoring (instrumental and non-instrumental), record keeping, and reporting requirements, test methods, or other methods or means required by the permit, or that constitute material information. An example of an adequate description for monitoring methods required by the permit might be: "Hourly averages of S02

concentration using Method 19 CEMS, data collected over last 12 months, as required by permit section IV.F. (b)(2)."

For record keeping methods used to determine compliance (whether they constitute non-instrumental monitoring or they are merely the records of monitoring methods), describe the records kept, the frequency of record collection, the frequency or dates when record keeping occurred, and include cross-reference or citation to the permit terms that require the record keeping, or a description of the origin or authority of record keeping not required by the permit. An example of an adequate description for record keeping methods required by the facility's permit might be: "Records of visual determination of opacity; recorded at noon each day over the last 12 months, required by permit term IV.G.(a)(1)."

For reporting methods used to determine compliance, describe what was reported, the frequency or dates when reporting occurred, and include a cross-reference or citation to the facility's permit terms and conditions that require the reporting, or a description of the origin or authority of reporting not required by the permit. An example of an adequate description for reporting methods used to determine compliance that are required by the permit might be: "Reports of daily records of visual determination of opacity, submitted on January 31st and July 31st of each year as part of the 6-month monitoring report, required by permit term IV.G.(a)(2)".

Subsection II.B - Monitoring Status (Intermittent or Continuous)

In this column, indicate the compliance status for each individual permit term and condition by entering either "Intermittent Compliance" or "Continuous Compliance." For annual compliance certification purposes, you must indicate compliance status for each term and condition on the basis of its compliance status throughout the reporting period.

Continuous compliance means collection of all monitoring data required by the permit under the data collection frequency required by the facility's permit, with no deviations, and no other information that indicates deviations, except for upsets or malfunctions during which compliance is not required and has been previously reported. Monitoring data includes information from instrumental (e.g., CEMS, COMS, or parameter monitors) and non-instrumental (e.g., visual observation, manual sampling, emission calculations, inspection, record keeping) forms of monitoring. The procedure designed to serve as monitoring on a continuous or intermittent basis should ensure: (1) the number of data records generated is equivalent to the number of averaging periods for the facility's permit term and condition over the reporting period of the compliance certification, with the frequency of the recorded data (i.e. continuous, every 15 minutes...); (2) the data should have the same averaging period as stipulated in the permit; and, (3) the data must be in the same units as identified in the permit terms and conditions.

Intermittent Compliance: Compliance that is not continuous. The provisional definitions shown here will help you to provide a meaningful representation of your facility's compliance status. Under these provisional definitions, it makes no difference whether you use continuous or intermittent data to make your compliance status determination. When making a determination of compliance status, the NRS 445B.470 requires consideration of all other material information you have in order to comply with section

113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information. The term “other material information” refers to information or knowledge you have whether that information or knowledge is required to be collected by the permit or not. As used here, this term is similar to the term “other credible evidence,” which refers to non-reference test methods and other information “readily available” to you that the permit may or may not, require you to collect. The term “readily available information” refers to information that is readily available and already being utilized such as engineering calculations, indirect emissions estimates, and direct measurement by various means, whether this information is required to be collected by a regulation or permit, or for some other purpose (this information may also constitute “credible evidence” or “material information”). Therefore, it is possible to certify to continuous compliance, provided the monitoring data is collected consistent with the permit, the data shows no deviations or that there are deviations but they are all excused by the permit, and no other known material information (or “credible evidence”) that would lead to a different compliance status conclusion.

Subsection II.C - If Intermittent, Explain

In this column, provide an explanation if compliance with the individual permit term and condition was intermittent.

Section III - Deviation of a Permit Condition

Use this section on the Deviations/Excess Emissions Reporting Form to summarize all deviations from permit terms and conditions that occurred during the last year (or the reporting period, if less than a year). Attach explanations on a separate sheet (may use original report submitted to NDEP/BAPC). Such deviations should have been reported previously in-writing in the last two six-month monitoring reports. This should include the six-month monitoring report for the most recent reporting period. Any deviations that were required to be reported, but either were not reported or were reported later than the required deadline must be included. Such deviation would not have been contained in any previously submitted six-month monitoring report.

Provide information on each deviation in a separate row of the Deviations/Excess Emissions Reporting Form. Copy this form as many times as necessary to include all deviations that occurred during the reporting period for this compliance certification.

Deviations occur when any permit term or condition is not met, including, but not limited to, terms that establish emission limitations, emission standards, control equipment requirements, work practices, and parameter ranges, and permit terms designed to assure compliance with the other permit terms (such as monitoring, record keeping, and reporting required by the permit). An emergency as defined by NAC 445B.056 constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of these sections are met, including that notice of the emergency was submitted to the regulatory authority within 24 hours of the time when emission limitations were exceeded due to the emergency. A deviation is not necessarily a violation. NDEP/BAPC will determine violations.

Deviations previously submitted in six-month monitoring reports may be cross-referenced. Be sure to clearly and unambiguously identify the specific six-month monitoring

reports (submittal date should suffice) and the specific deviation contained in the report. There may be many equally appropriate ways to cross-reference the specific deviation contained in a six-month report. For example, the deviations previously submitted in a report may be attached and annotated with such numbers specifically assigned for this purpose.

Whether deviations are cross-referenced or not, it must be indicated whether the deviations are “possible exceptions to compliance.” A possible exception to compliance is a deviation that occurs when compliance is required by the permit (e.g., emissions are required to be maintained below a certain level during normal operations and but are not maintained below that level). A deviation that is not a possible exception to compliance would be one that occurs when a standard does not require compliance or when compliance is explicitly excused (e.g., an emission limitation is exceeded during a malfunction and the permit excuses such exceedances). If a deviation is not a possible exception to compliance, briefly explain why it is allowed by the permit and cite or cross-reference the relevant permit term and condition that allows it. Different from deviations that are specifically excused or exempted by the permit, are deviations for which the permit provides an affirmative defense (e.g., emergencies), which must be identified as possible exceptions to compliance. This is because only the regulatory authority may determine if the affirmative defense applies in any specific case.

For deviations that impose requirements on the permitted facility as a whole or on all units at your facility, “facility-wide” may be entered in the comment column. Any deviations required to be included in this report, that have never been made in writing (e.g., deviations which occurred within a six-month monitoring report), obviously cannot be cross-referenced in this form. However, such deviations should be included in this section of the form. For such deviations, more information than indicated by this form will be needed. The terms “startup,” “shutdown” and “malfunction” refer to conditions that are defined in the NAC. These conditions should be reported as deviations on this form; they are not exempt from federal regulations. “Excess emissions” and any such occurrences should also be reported as deviations on this form.

Subsection III.A - Date(s) Deviation Occurred

In this column, enter the date when the deviation occurred (e.g., "7/12/02").

Subsection III.B - Time Period of Deviation

In this column, enter the beginning and ending time periods over which the deviation occurred (e.g., "4:00 pm - 6:00 pm"). Although each 24-hour period of deviation is considered a separate deviation, it is permissible to indicate continuous periods of deviation that span multiple days in a single entry.

Subsection III.C - Explanation of Deviation

In this column, enter the reason for the deviation from the individual permit term and condition (e.g., "Operator failed to report pressure drop outside of operating range").

Subsection III.D - Date BAPC Notified

In this column, enter the date when the written deviation report was submitted to BAPC (e.g., "7/15/02"). Leave the date field blank if a written deviation report was not submitted during the reporting period covered by the six-month monitoring report (whether required to do so or not). It is a deviation to neglect to submit a required deviation report (whether required by telephone, fax or in writing) or to submit such a report later than the deadline specified in the permit. For the purposes of this form, such deviations would be deviation of the permit term and condition requiring deviation reporting.

Subsection III.E - In Compliance? (Yes or No)

In this column, enter "Yes" if in compliance and "No" if not in compliance.

Section IV - Excess Emissions and Comments

This section is used to specify whether the individual permit term and condition deviation resulted in an excess emission and whether the excess emission was reported to NDEP/BAPC as required by NAC 445B. 232. This section also provides a column for additional comments that can be used to clarify the cause of the deviation from the individual permit term and condition.

Subsection IV.A - Excess Emissions?

In this column, enter "Yes" if the deviations from the individual permit term or condition resulted in excess emissions or "No" if the deviations from the individual permit term or condition did not result in excess emissions.

Subsection IV.B - Date Excess Emission Reported

In this column, enter the date that the excess emissions resulting from the deviation of the individual permit term and condition were reported to BAPC (e.g., "10/5/02").

Subsection IV.C - Additional Comments

In this column, enter any additional comments that clarify cause of the deviation from the individual permit term and condition (e.g., "Excess emissions occurred as a result of out of range pressure drop that went unnoticed").

Initial Compliance Plan and Compliance Certification Form - NDEP/BAPC Form CC - 3

This form is provided for the facility to state their schedule of remedial actions in order to return to compliance any emission unit/emission system currently in non-compliance with the permit conditions. The instructions on how to complete the Initial Compliance Plan and Compliance Certification Form are detailed on the form. This Compliance Plan form provides four sections to allow the facility to state their schedule and method to achieve compliance. If any corrective actions or preventive measures were taken to avoid similar deviations at the same emissions units, briefly explain them. Examples of possible answers to this question include "provided additional training to operator on proper operation of control devices" or "repaired

defective equipment and will perform routine maintenance on an accelerated schedule.” If known, include the dates when such actions or measures were taken or will be taken in the future.